

Rights and Responsibilities

Individuals who seek EEO counseling should be aware of their rights and responsibilities under the law, which include at a minimum the following:

- a. The **right** to anonymity when discussing options concerning a potential EEO problem with an EEO counselor or the WVEEO Office.
- b. The **responsibility** to know that neither the West Virginia Equal Employment Opportunity Office nor the EEO counselor is an advocate for either the aggrieved party or the agency but acts strictly as a neutral party in the EEO process.
- c. The **right** to participate to resolve the EEO problem through informal resolution conducted by the EEO counselor, or mediation following proscribed guidelines established by the West Virginia Equal Employment Opportunity Office or by the individual agency.
- d. When informal resolution and/or mediation is selected and a resolution is not reached, the **right** to receive notification within thirty (30) working days of the first counseling contact (unless the West Virginia EEO Director approves an extension, of which the potential complainant will be informed) of the termination of informal resolution or mediation attempts and informing the aggrieved individual of:
 - (1) The **right** to file a Formal EEO Complaint within fifteen (15) working days of the receipt of the notice; and
 - (2) The appropriate process for filing the Formal EEO Complaint.
- e. If it is determined the complaint does not fall within the parameters of EEO law, the aggrieved party has the **right** to address their supervisor or manager directly or pursue the matter through the West Virginia Public Employees Grievance Procedure. However, it is the **responsibility** of the aggrieved party to take affirmative steps to address the complaint in these forums, including understanding differing time frames or timeliness requirements for other state agencies.
- f. The **right** to go directly to a court of competent jurisdiction on claims of workplace discrimination or harassment based upon protected class or retaliation.
- g. Upon receipt of the EEO Complaint, the agency administrator, appointed authority, EEO Officer or State EEO Director will have the **responsibility** to determine if the complaint falls under EEO purview. If it is determined to be in violation of EEO protected class, investigators will be assigned by the agency or state EEO Office.
- h. It is the **responsibility** of the appointed investigators to complete the investigation within (45) working days and submit the report unless the agency administrator or WV EEO Director

approves an extension, in which case a notice of the extension will be relayed to the Complainant by an agency official.

- i. The agency administrator or WV EEO Director has the **responsibility** of completing his/her review within (15) working days from receipt of the report. Within (10) working days after rendering a decision, the Administrator shall provide the State EEO Director a copy of the Investigative Summary Report and Final Decision letter.
- j. The complainant has the **right** to a decision within (70) working days from the complaint being appointed to investigators except for when an extension is granted or filing a grievance.
- k. The **responsibility** to keep the agency and the EEO Office informed of the Counselee's current mailing address, email address and telephone number(s).
- l. The **responsibility** to know that only those claims raised at the counseling stage or claims that are like or related to those that were raised, may be the subject of this formal EEO complaint.
- m. The **responsibility** to contact the West Virginia EEO Office or the EEO counselor handling the complaint to ascertain proper procedure for amending a **Formal EEO Complaint Form** with claims that are like or related after it has been filed.
- n. The **right** to know the time frames in the EEO complaint process.

The respective "Rights and Responsibilities" listed above have been reviewed with, and explained to, the individual who has sought EEO Counseling by the EEO Counselor on this date.

Attested to by:

EEO Counselor

Date

Individual Counselee (voluntary)

Revised July 2019
WV EEO Office
Tia Welch, Director